THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24965 OF 2005

Dt.23.11.2005

Between:

Smt.K.M.Manohari … Petitioner

And

The District Collector (Civil Supplies),

Prakasam District, Ongole and 3 others. … Respondents

ORDER:

The petitioner is the Fair Price Shop dealer of Kankanampadu Village, Veligandla Mandal, Prakasam District. It is stated that for the last 20 years she has been distributing essential commodities to the cardholders without any stigma whatsoever. While so, the Enforcement Deputy Tahsildar inspected the shop of the petitioner on 30.9.2004 and after issuing show cause notice initially the authorization of the petitioner has been suspended and finally it was cancelled by proceedings dated 9.8.2005 by the Revenue Divisional Officer, Kandukur. Aggrieved by the said order, the petitioner filed an appeal before the Joint Collector, Ongole. The Joint Collector by order dated 23.9.2005 allowed the appeal on the ground that charges have not been proved and the allegations made against the petitioner are trivial and technical in nature. Against the said order, one of the cardholder of the dealer, the 4th respondent herein, filed a revision

before the District Collector, Ongole. The District Collector while admitting the revision posted the matter for hearing on 16.11.2005, granted stay of operation of the order of the appellate authority by impugned proceedings dated 9.11.2005. The said order of the revisional authority in grating stay of operation of the order appellate authority has been questioned in this writ petition.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

When the petitioner has succeeded before the appellate authority, I am of the opinion that the revisional authority ought not to have grant stay of operation of the said order. However, having regard to the facts and circumstances of the case, the impugned order is set aside and the first respondent is directed to hear the main revision itself, if not already disposed of, after giving reasonable opportunity to the petitioner as well as the 4th respondent and pass appropriate orders in accordance with law.

The writ petition is allowed accordingly. No costs.

(V.ESWARAIAH, J.)

23.11.2005

Note: Issue operative portion by wire

at party's costs.

B.O.

kpr